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**Date:** 15 November 2007 18:52  
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**Cc:** <sehiemovon@hotmail.com>  
**Subject:** Re: Where there is a wrong, ...there is a remedy.  
Dear Senior Managers (Lehman Brothers),

**Settlement Terms:**

In the last meeting (9<sup>th</sup> November 07) with your attorney (Mrs Taeko Ishii of Ota Ishii Law Office), your attorney invited a settlement of the Unfair Dismissal action, (I am bringing, albeit, reluctantly), against our Firm. My settlement terms therefore are as follows...

- That the sum of **five hundred million (Yen)** be paid as compensation for my unfair dismissal. This takes into account the following factors...
- ❖ **Loss of future earnings:** This is based on a multiplication of my salary and benefits over ten years. My yearly salary and benefits works out at thirty million (Yen), thus, the calculation using Yen as the currency works out as (salary + benefits) 30,000,000 multiplied by 10 (lost earnings over ten years).
- ❖ **Damages for unfair dismissal:** This includes the physical, mental and financial pain and suffering, that myself, and members of my family has suffered as a result or the abrupt taking away of my means of making a living. It also, includes the costs of my solicitor's fees.

**Discrimination:** Though, my mind has not yet turned to this issue, in a concentrated fashion of yet. I remain saddened by the fact that our Firm, which has won globally many awards in the area of diversity, to name a few...

- Scored 100% on the 'Corporate Equality Index' by the Human Rights campaign in the U.S, each year since 2003.
- Awarded a 'Gold Standard' for Commitment to Diversity by Race for Opportunity (U.K), in 2005 and 2006.
- Awarded the Securities Industry Standard Association (SIA), the 'Innovative Leadership Award for Diversity for the Partnership Solutions Group' in November 2005.

Can be found to have failed a basic test of fairness in dealing with its employees as it has done in my case. This is galling against the backdrop of there being in place a...

- a) Global Diversity and Inclusion policy within the Firm.
- b) An entrenchment of the rule not to discriminate in Lehman Brothers Japan Inc own Rules Of Employment (Article 6 – Code of Conduct, subsection 4(K)), furthermore, specifying that such a breach is ground for disciplinary action, which may result in dismissal.
- c) Not to mention, a commitment to the Diversity and Inclusion policy by none other than Richard S. Fuld, our Chairman and CEO, he quotes on the issue as follows  
"To achieve our next level of success, we must continue to foster a culture that is full of opportunity, where exceptional people want to build their careers"



This is not just a (Black British) individual raising the 'Race Card', just because it is convenient to do so. How else would you (yourselves) describe a situation whereby a department (Equity Derivatives IT – Tokyo)

- a) Which has transferred a colleague into and away from the department on the basis of poor performance (i.e. poor performance he gets transferred in, poor performance he gets transferred out).
- b) Colleague in question being of Asian (Japanese) background.
- c) Black British (myself) gets accused of poor performance; he gets dismissed on the same day (sits in meeting in which he is accused, end of meeting he gets dismissed).

I am sure, you wouldn't describe, what you have just read (without having properly investigated), a sterling example of equal opportunities at our Firm. What then if I was to tell you that there exist...

1. Evidence (IM Live), which confirms what I have just said... from a Lehman Brothers manager (VP)
2. And also that this same manager wanted to have the Japanese colleague sacked, but as he latter verbally admitted to me, the only reason why the Japanese colleague could not be dismissed was because he was JAPANESE.

You probably would want to find out more, **you could do so** by reading through the im live trail between Leon Adeoye (VP – Lehman Brothers Asia) and myself. The Japanese colleague in question is Yuki Ngase.

**Poor Performance:** This is based upon the accusation that I carried out more of a Support role than a Developer role (which is what I was hired for). Indeed, You may say that this may well be good ground for my dismissal that is, until you review the following.

- a) Email evidence exist that I requested (on my own initiative) to have my development tasks tripled in March 07, my manager (Tony Ziman, VP – Lehman Brothers Asia) turned down this request, stating that he wanted to give me more support duties. Consequently, I was given no more development tasks and given more support tasks between March 07 and June 07.
- b) My manager was happy with his choice of tasks for me, indeed, he saw me as Leadership potential, he also gave me minor supervisory tasks, and ensured I got put forward for a 'Project Management' course, ... a course in which we were addressed by Simon Lucocq as the Firm's future Managers... and that our presence on the course is **individual testimony of our good work/performance** at Lehman Brothers.
- c) I was given one development task in June/July, I could not complete this task as I had volunteered to combine two Support roles that were previously being carried out by two colleagues into one role. Increased problems with one of the areas of 'Support' (Euclid), had the effect of causing an increased demand for 'Support' by the users. Combining two support roles was initiative on my part, to increase efficiency on the part of our team. My manager accepted it; indeed, it could not be implemented without his direction. I informed my manager of my difficulty in completing the development task on schedule, both verbally and in an email and he reassigned the task.
- d) On the 8<sup>th</sup> August 07, it was clear to me that I was being sidelined generally by my Team and my Managers, I felt the chill by my colleagues even though I had been moved by my management from the 29<sup>th</sup> floor (where my team was based) to the 32<sup>nd</sup> Floor to sit alongside our Traders to provide closer support to them. I asked for a meeting with my



manager and advised him that I don't want to focus only on support (which meant I would be away from my team). Follow-up in live messages exchanges confirm that my manager was happy with my request; indeed, he thanked me for my help.

**Do note: That I have documentary evidence of all the bulleted points made in this email and it can be provided as required to prove the points made.**

Dismissal: On the 15<sup>th</sup> of August 07, I was summoned to meetings with Brian Doyle (HR) and Stephen Barnham (SVP – Equity Derivatives IT ASIA), in which I was told that my performance was poor, on the basis of not doing enough development work, I was told, I should accept that my performance was poor and go through some disciplinary process or be dismissed from the Firm.

I insisted that my performance was good, and invited my accusers to go through the evidence of my performance, this they ignored and I was verbally dismissed, escorted from the building, and asked to make an appointment to pick up my dismissal letter.

**Attorney Findings:** I have had to secure an attorney to contest my unfair dismissal, and the following points have now been confirmed.

- Lehman Brothers concedes that my **performance was satisfactory** (they could not deny the evidence arrayed against them), between the months of Feb 07 and June 07.
- Lehman Brothers concedes that my performance on the grounds of not having done enough development work, is based on the period of July 07 and August 15 07.
- Lehman Brothers concedes that just the one development task was given to me in this period (July 07 and August 15 07). The Firm's attorney has been made aware of the email trail relating to this task.
- I was dismissed on the 15 August 07 and again on the 17<sup>th</sup> August 07, in a bizarre attempt to cure my obviously wrongful dismissal.
- Lehman Brothers have thus far been unable/unwilling to provide recordings of the meetings of my dismissal.
- Lehman Brothers currently **have no independent evidence** whatsoever to support my dismissal, their entire defence consists of he said/ they said/was said arguments. This **cannot be deemed acceptable for a Firm of such a global name and reputation.**
- My evidence against my unfair dismissal **consists in the main of independent evidence**, whether emails/im live messages. The evidence of my dismissal (twice in three days), of my satisfactory performance, of the stance of my managers during the period in question is there for the world to see. In stark contrast **Lehman Brothers thus far, have had nothing to present through their attorney, apart from expressing surprise that we have such evidence.**
- Lehman Brothers, through their attorney, have taken the stand that they are not interested in my reinstatement, although they **have invited offers in furtherance of a settlement** of the unfair dismissal.

In meetings with Lehman Brothers representatives, I have been subtly advised (verbally), to drop this matter against the Firm, it was spelt out to me that the consequences, if I don't, would be that

- a) It would be ensured that I don't work in the industry again.
- b) My resident permit will get revoked, to ensure I am forced to leave the country and thus, not be able to pursue this matter.
- c) My Wife's and children's visas will be revoked and they will be forced to leave the country.

I consider, going after my Wife and children in this way, to pressure me to drop this case, despicable, and beyond belief.



I will continue to have a great deal of respect for the Firm, and it's leaders, their lives will continue to be a source of inspiration for me, as it was long before I joined the Firm. I recognise that my experiences thus far at Lehman Brothers does not properly reflect the culture, drive and integrity that has propelled Lehman Brothers to its position as one of the top five investment banks in the world.

Indeed, I will continue to cheer for them

Forgive me if my email has been a long read, I regard my integrity and reputation to be deserving of my attention. Indeed if the Firm wants to confirm my evidence, and or, investigate any of the issues, I will not regard such a request as a burden.

Kay Sehi-Emovon

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